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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1267 of 2003.

PETITIONER : Dinesh Kumar Tamrakar son of Ramkrishna Tamrakar, aged 42 years, Assistant Teacher, Middle School, Rajim Distt. Raipur (C.G.).

VERSUS

RESPONDENTS :

1. State of Chhattisgarh through the Secretary School Education Department Mantralaya D.K.S. Bhavan G.E. Road Raipur (C.G.).
2. Block Eduction Officer Fingeshwar Distt.Raipur (C.G.)
3. Principal Middle School Rajim District Raipur (C.G.).
4. District Education Officer Raipur District Raipur (C.G.).

P. R. No. 1111/03
Presented by Shri Ramkrishna Agrawal
dated 16.04.03

PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA

DETAILS OF PETITION

(73)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1267 of 2003

Petitioner : Dinesh Kumar Tamrakar

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri H.B. Agrawal, Senior counsel with Shri Pankaj Agrawal, cousnel for the Petitioner.
Smt. Anju Ahuja, Deputy Government Advocate for the respondents/State.

ORAL ORDER

(6th May, 2006)

1. Learned counsel appearing for the petitioner submits that the petitioner has filed this petition for quashing the order dated 29.2.2003 (Annexure P/2) and order dated 28.3.2003 (Annexure P/8) whereby the Principle, Government Higher Secondary School, Rajim lodged the complaint in Police Statioin, Rajim.

2. The facts in nutshell of the case are that by order dated 9.1.2001(Annexure R/1), the Principal, Primary School, Koma, Block Fingeshwar, District Raipur was directed by the respondent No. 4 to relieve the petitioner for posting him in the Middle School, Rajim, District Raipur. Thereafter, one more order was issued on 5.7.2001 (Annexure P/1), whereby the Headmaster, Primary School, Koma, Block Fingeshwar was directed to relieve the petitioner for joining at Government Middle School, Rajim. It is not clear as to why two orders were passed for the same purpose. Subsequently by order dated 29.3.2003 (Annexure P/2), the petitioner was directed to report back at old place i.e. Primary School, Koma, Block Fingeshwar, District Raipur.

3. According to learned counsel for the petitioner, the petitioner has not been paid salary from July, 2003 to December, 2003. Learned counsel appearing for the respondents is not in a position to inform

the Court as to why the petitioner was not paid his salary, when he was working at Rajim. Contention of learned counsel for the respondents that it is for Middle School, Rajim to make payment of the salary is unsustainable, because both the schools where he was working are the Government Schools. It is for the Government not for one school or other school to ensure that the teacher working in the school is given his salary.

4. Having heard learned counsel for the parties and having perused the papers appended to the petition and return, it is not clear as to which is the relevant order by which the petitioner was directed to report at Government Middle School, Rajim for teaching. It appears that by order dated 29.3.2003, the petitioner was directed to join back his old place at Primary School, Koma, Block Fingeshwar, District Raipur.

5. Having regard to the facts and circumstances of the case, it is desirable that the Secretary to the Government of Chhattisgarh, School Education Department, should examine the matter personally and pass the appropriate order for release of salary of the petitioner as well as the posting of the petitioner at appropriate place. With regard to the complaint in police station by letter dated 28.3.2003 (Annexure P/8), it cannot be decided for want of materials, except vague averment in the petition.

6. For the reasons stated above, the writ petition is disposed of with a direction to the Secretary, Government of Chhattisgarh, School Education Department to examine the complaint of the petitioner as stated above and pass the appropriate order within a period of six weeks from the date of receipt/production of a copy of this order. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge